

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SITCHA RICHARD, )  
Petitioner )  
v. ) Civil Action No.  
FREDERICK MACDONALD, HIGH ) 04cv30090-MAP  
SHERIFF, FRANKLIN COUNTY )  
HOUSE OF CORRECTION, et al. )  
Respondents )

MOTION TO DISMISS

The respondent, by his attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, moves to dismiss the petition for lack of subject matter jurisdiction and failure to state a claim.

The respondent respectfully requests that he be excused from the conference requirements of Local Rule 7.1, due to the fact that the pro se petitioner is incarcerated.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
KAREN L. GOODWIN  
Assistant U.S. Attorney  
1550 Main Street  
Springfield, MA 01103  
413-785-0269

Dated: July 9, 2004

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by sending a copy to the petitioner at the Franklin County Jail, 160 Elm Street, Greenfield, MA 01301; and Andrew Cohen, 1345 Beacon Street, Boston, MA 02146.

  
KAREN L. GOODWIN